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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,458	09/30/2003	Michel Chevanne	Q77711	2008
23373 7590 06/04/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER HUSSAIN, TAUQIR				
ART UNIT 2152		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/673,458

Applicant(s)

CHEVANNE ET AL.

Examiner

TAUQIR HUSSAIN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/30/03 and 01/23/04 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/26/2008 has been entered.

Response to Amendment

2. This office action is in response to amendment /reconsideration filed on 02/26/2008, the amendment/reconsideration has been considered. Claims 1 and 9 have been amended, Claims 7 and 8 have been canceled and therefore, claims 1-6 and 9 are pending for examination, the rejection cited as stated below.

Response to Arguments

3. Applicant's arguments with have been fully considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

4. The listing of references in the specification on pages 2 and 5 are not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be

submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Objections

5. Claims 1, 9 and 2 are written in alternative form reciting the limitation as "extracted from the sets of memory the sets of primary or secondary data elements" in lines 13-14, lines 13-14 and line 2.

Drawings

6. The drawings are objected to because there is a lack of descriptive text legends for FIG. 1-2 and 4-8 [see 37 CFR 1.83, CFR 1.84 [5(e)], MPEP § 608.02(e)].

7. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "wherein each element is associated with a set of primary data stored in a memory which represents said element within the level to which said element belongs with no specific attachment to a level higher than said element" and "at least one set of secondary data stored in said memory which represents said element with in the level to which said element belongs when said element is attached to a level higher than or equal to the level of said element in the hierarchy" and "management means adapted to access said sets of primary and secondary data in order to extract from the memory the sets of primary or secondary data of the elements of the equipment of the equipment that belongs to said designated level and to levels lower than said equipment with attachment is received" and "to access said sets of primary and secondary data in order to extract from the

memory the sets of primary or secondary data of elements of the equipment that belong only to said designated level" and "when a request designating a chosen level of a network equipment without attachment is received" in **claims 1 and 9** must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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9. Claims 1, 2, 4 and 9 are rejected under 112 second paragraph as being indefinite.

10. Claims 1, 2, 4 and 9 reciting the phrase "adapted to" in lines 9, 2, 2 and 8, which renders the claim indefinite in its entirety as it not definite whether it will or it will not adapt. Appropriate correction is required.

11. Claims 1 and 9 the limitations "the sets of primary or secondary data of the elements of the equipment that belong to said designated level and to levels lower than said equipment when a request designating a chosen level of a network equipment with attachment is received, and to access said sets of primary and secondary data in order to extract from the memory the sets of primary or secondary data of the elements of the equipment that belong only to said designated level when a request designating a chosen level of a network equipment without attachment is received" are merely an intended use. Following is a section from MPEP:

The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) Statements of intended use or field of use,
- (B) "adapted to" or "adapted for" clauses,
- (C) "wherein" clauses, or
- (D) "whereby" clauses.

This list of examples is not intended to be exhaustive. See also MPEP § 2111.04. USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim should not be read into the claim. E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d

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1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous.

Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.").

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-6 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Machida et al. (Patent No.: US 6,885,387 B1), hereinafter "Machida".

13. As to claim 1 and 9, Machida discloses, a system for managing the display of images representing network equipments of a communication network (Machida, Abstract, Fig.4, element-403a,b, c etc), said system comprising a plurality of elements associated with hierarchical levels (Machida, Abstract, Fig.4, element-402a-g), wherein each element is associated with a set of primary data stored in a memory which represents said element within the level to which said element belongs with no specific

attachment to a level higher than said element (Machida, Fig.4, 5, Col.4, lines 44-45, where pc's in same domain at same level are displayed) and at least one set of secondary data stored in said memory which represents said element within the level to which said element belongs when said element is attached to a level higher than or equal to the level of said element in the hierarchy (Machida, Fig.4, 5, Col.5, lines 40-45, where element 503f which is a primary data has attached peripheral 503g and 503h which is equivalent to interpret as secondary data in the domain at lower level in the hierarchy) and wherein said system further comprises management means adapted to access said sets of primary and secondary data in order to extract from the memory (Machida, Fig.4, element-401 and 403f, Col.4, lines 15-18, where 401 is an management software and element 403f with a "+" sign next to it represents that there is a secondary data stored or attached to this icon), the sets of primary or secondary data of the elements of the equipment that belong to said designated level and to levels lower than said equipment when a request designating a chosen level of a network equipment with attachment is received (Machida, Fig.3B, element-S208, S210, S209 etc, Col.3, lines 62-67, where programs are stored in memory and further calculating display positions will require stored data, where designated PC, S208 is a primary data and Display peripheral Icon S209 is equivalent to secondary data) , and to access said sets of primary and secondary data in order to extract from the memory the sets of primary or secondary data of the elements of the equipment that belong only to said designated level when a request designating a chosen level of a network equipment without attachment is received (Machida, Fig.2, element-S201, Col.4, lines 4-11, where

first scan of network equipment displayed on the basis of the connection information and status information).

14. As to claim 2, Machida discloses, wherein said management means are adapted to send the extracted sets of primary or secondary data to a graphical interface (Machida, Fig.2, element-S202, Col.4, lines 9-11, where data is displayed based on obtained display positions).

15. As to claim 3, Machida discloses, wherein some elements are associated with sets of primary and secondary data that are at least partly identical (Machida, Fig.4, element-402, Col.4, lines 19-26, contains the menu for alike items upon execution equipment performing alike function can be viewed).

16. As to claim 4, Machida discloses, wherein said management means are adapted to refresh the data of elements displayed in the event of receiving a message reporting that an event relating to said element has occurred within the network (Machida, Col.4, lines 35-43, where during processing error generation message is displayed).

17. As to claim 5, Machida discloses, a management server of a communication network management system, wherein said server comprises a system according to claim 1 (Machida, Col.3, lines 33-37, where reading server apparatus is disclosed).

18. As to claim 6, Machida discloses, a server according to claim 5, characterized in that said system is installed in a control system (Machida, Col.3, lines 38-43, where

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reading server apparatus is in place with scanner controller and communication controller devices which incorporates as a network control system together).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAUQIR HUSSAIN whose telephone number is (571)270-1247. The examiner can normally be reached on 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571 272 3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. H./

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Examiner, Art Unit 2152

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2146